

**Original signed by: Robyn Pearson Dated: 2/4/2019**

Bryan and De-Arne King  
C/- Haviland Architects  
267 High Street  
NORTH WILLOUGHBY NSW 2068

D253/18  
RA3(CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
SECTION 4.55 MODIFICATION 253/18/2 – APPROVAL**

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**Development Consent Number:** 253/18

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**Land to which this applies:** 31 Spruson Street, Neutral Bay  
Lot No. 2, DP 201662

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**Applicant:** Bryan and De-Arne King, C/- Haviland Architects

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**Proposal:** Section 4.55 (1) modifications to DA 253/18 for correction of the applicant and the suburb of the above development application.

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Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **253/18** and registered in Council's records as Application No. **253/18/2** relating to the land described as **31 Spruson Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 December 2018, has been determined in the following manner: -

1. *To modify the name of the applicant for DA 253/18 to 'Bryan and De-Arne King, C/- Haviland Architects'.*
  2. *To modify the suburb of the subject site for DA 253/18 to 'Neutral Bay'.*
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**Reason for approval:**

The proposed modifications only relate to the correction of the applicant and the suburb of the site under DA 253/18 and the applicant has not sought any further changes to the approved plans. In this regard, the proposed development is substantially the same as what was approved under DA 253/18 as the proposed modifications will not alter the use or the form of the development as originally approved.

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In addition, the proposed modifications would not change the level of compliance with the relevant development standards and controls as contained in North Sydney LEP 2013 and North Sydney DCP 2013.

Furthermore, there would be no impacts on the residential amenity of the subject site and the adjoining properties as well as the character of the locality.

The proposal was found to be acceptable in the site circumstances and is recommended that the subject Section 4.55(1) application be approved.

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**How community views were taken into account:**

Notification of the subject application was waived in accordance with Section 4.5.1 in Part A of North Sydney DCP 2013.

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The conditions attached to the original consent for Development Application No. 253/18 by endorsed date of 20 December 2018 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Alex Richard**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved.
- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
  - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
  - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.

- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

**Endorsed for and on behalf of North Sydney Council**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
**TEAM LEADER (ASSESSMENTS)**